

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2011-0086
ROW # 10621259

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP-0218041501

02-1804-2802
201 E 34th St

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED. SEE ATTACHED.

02-1804-2803

STREET ADDRESS: 201 East 34th St. and 3307 Helms St.

201 E 34th 2

LEGAL DESCRIPTION: Subdivision - _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Douglas Gibbins on behalf of myself/ourselves as authorized agent for
Farzad Bozorgmehr
Valerie Babhafer & John White affirm that on 6-10, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

decrease the minimum lot size
one @ 5,735 sq ft & the other @

in a SF-3-ncd-np district.
(zoning district)

3,081 sq ft
in order to resubdivide
into 2 lots.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

North University NP

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

- (b) The hardship is not general to the area in which the property is located because:

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:


2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

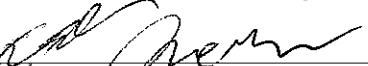
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 3267 Bee Caves Road #107-158

City, State & Zip Austin, TX 78746

Printed Douglas Gibbins Phone 587-1950 Date 6/10/11

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 201 E. 34th St.

City, State & Zip Austin, TX 78705

Printed Zed Bozorgmehr Phone 762-7080 Date 6/11/11

RE: City of Austin
Application to Board of Adjustment
General Variance

201 East 34th Street
Austin, TX 78705
UNT 1 34TH & HELMS CONDOMINIUMS PLUS 50.0 % INT IN COM AREA

And

3307 Helms Street
Austin, TX 78705
UNT 2 34TH & HELMS CONDOMINIUMS PLUS 50.0 % INT IN COM AREA

I, Douglas Gibbins, on behalf of myself as authorized agent for Farzad Bozorgmehr, Vallerie Bauhafer, and John White affirm that on June 10, 2011, hereby apply for a hearing before the Board of Adjustment for the consideration to:

Maintain the property with the same zoning while allowing subdivision of the lot into two lots smaller than the minimum lot size the zoning allows in SF-3-NCCD-NP district.

VARIANCE FINDINGS

1. REASONABLE USE

The owners are deprived of fee simple ownership of single family properties enjoyed by neighbors due to the original and subsequent imposition of zoning ordinances on the property. The improvements (two free standing houses, one free standing garage with a second story living quarters, and a free standing single story garage) pre-date the ordinances that render the property non-conforming and not eligible for subdivision. It is reasonable that free standing, single family homes fronting different streets be allowed to have separate, fee simple ownership.

If subdivision is allowed, the properties will be fully conforming except for lot size with one being 5,735 SF and the other 3,081 SF. The larger lot would have a free standing single family home that has a detached garage with a second story living quarters. The second property would have a free standing single family home with a detached garage. This is a reasonable use that conforms with the character of the neighborhood.

2. HARDSHIP

The hardship on the property owners for this variance request are not general to the area. The single family improvements built in 1926, 1935, and 1946 pre-date the zoning ordinances that render the property non-conforming and not eligible

for subdivision. Without the lot being subdivided, the owners cannot have fee simple ownership of single family homes without the undue burden of demolishing one of the well maintained, 76 + year old homes on the lot. Other neighbors have fee simple ownership for their free standing, single family homes. Notable are the similar homes next door at 200 East 33rd Street built 1919 with lot size 6,482 SF and 3305 Helms built 1950 with lot size 2,520 SF. Combined they are the other half of the block on the other side of the alley. These neighbors directly next door do not have this same hardship due to enjoying having a similar sized parcel subdivided into two lots.

3. AREA CHARACTER

Granting the variance will bring the historical use and future permitted use of the property to be in compliance with the character of the neighborhood. This single lot has three separate residential structures with one being a second story living quarters above a garage plus a second detached garage. As it exists as just one lot, it is not in compliance with the character of the neighborhood. If it were subdivided into two lots, it would be in compliance with the character of the neighborhood. Other similar lots have one primary residential structure, a garage and occasionally a living quarters combined with the garage. We are asking to have this property be granted a variance to minimum lot size so as to be subdivided so it is more like the rest of the neighborhood.

The variance, if granted, will not impair the use of adjacent conforming property since it makes this property more like the adjacent properties.

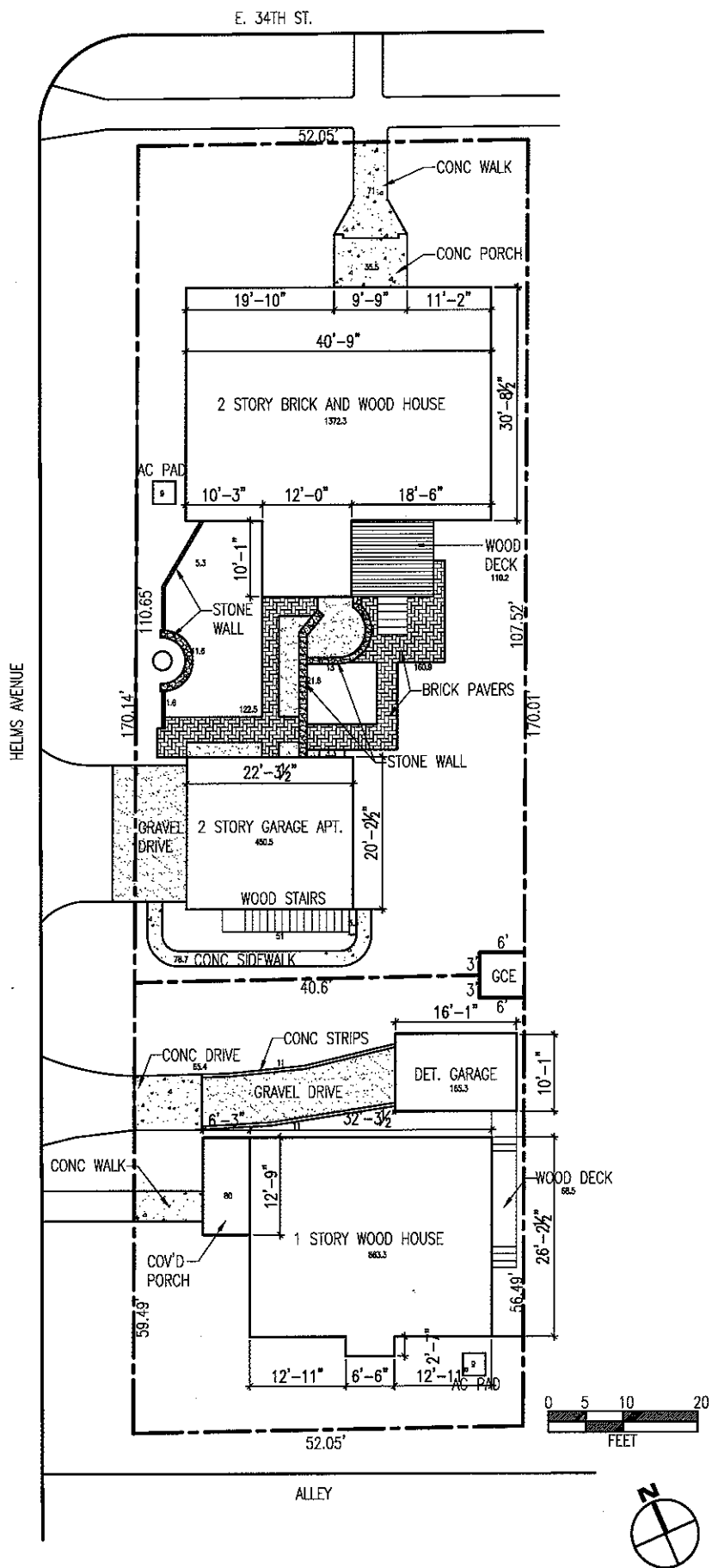
The variance, if granted, will not impair the purpose of the regulations of the zoning district in which the property is located because it makes the property/properties better comply with the zoning district site development standards.

PARKING

1. The improvements and use of the property are not altered should the variance be granted. Hence, there will not be a change in traffic volumes.
2. The improvements and use of the property are not altered should the variance be granted. Hence, there will not be a change in parking or loading of vehicles on public streets.
3. The improvements and use of the property are not altered should the variance be granted. Hence, there will not be new safety hazards or any other condition inconsistent with the objectives of this ordinance.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because it is a variance to the zoning district site development standards. If the variance is granted, the owners will promptly seek to subdivide the lot.

*There is no change to
parting or need for more.
DB.*



Impervious Cover Calculator

Address:

201 E. 34th St. Austin, TX

for:

Zod Mehr

Lot Total	8852	
N. Lot	5735	
S. Lot	3081	
GCE	36	s

<u>Impervious Cover</u>	<u>Measure</u>	<u>Adjustment</u>	<u>Subtotal</u>
N. House			1372.3
Conc Porch			35.5
N. Sidewalk			71
Deck	110.2	50%	55.1
N. AC pad			9
Garage			450.5
Garage Stairs	51	50%	25.5
Garage Conc walk			78.7
N. Paver walkway			283.4
N. Stone Walls			59.7

North Subtotal	2440.7
-----------------------	--------

S. House	863.3
Covered Porch	80
S. Garage	165.3
Conc Walk	36.8
S. AC Pad	9
Conc Drive	65.4
Conc Strips	22
Deck	68.5
	50%
	34.25

South Subtotal	1276.05
-----------------------	---------

North+South Total	3716.75
--------------------------	---------

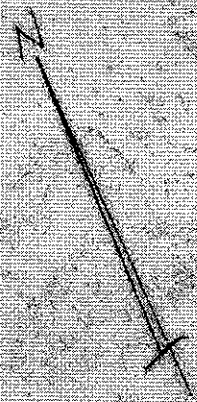
% Totals

Whole Lot	41.99%
N. Portion	42.56%
S. Portion	41.42%

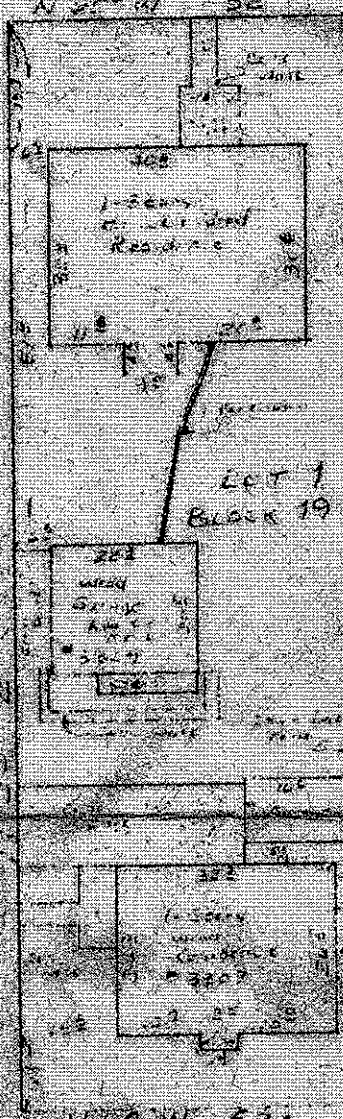
Note: North and South Portions do not include the "GCE" indicated on survey.
If redrawn and split equally, this would add 18 sq ft of *pervious* cover to each lot.

APPROVED FOR ZONING ONLY

201 E. 34th ST.



2307 + 2309
E. 34th ST.



CITY OF AUSTIN
APPROVED FOR PERMIT
Victoria Hsu, P.E.

Watershed Protection & Development Review Department
Date 9/11/06
The granting of a permit for, or approval of, these plans, specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

AE APPROVED
SEP 11 2006
RLS 254-27

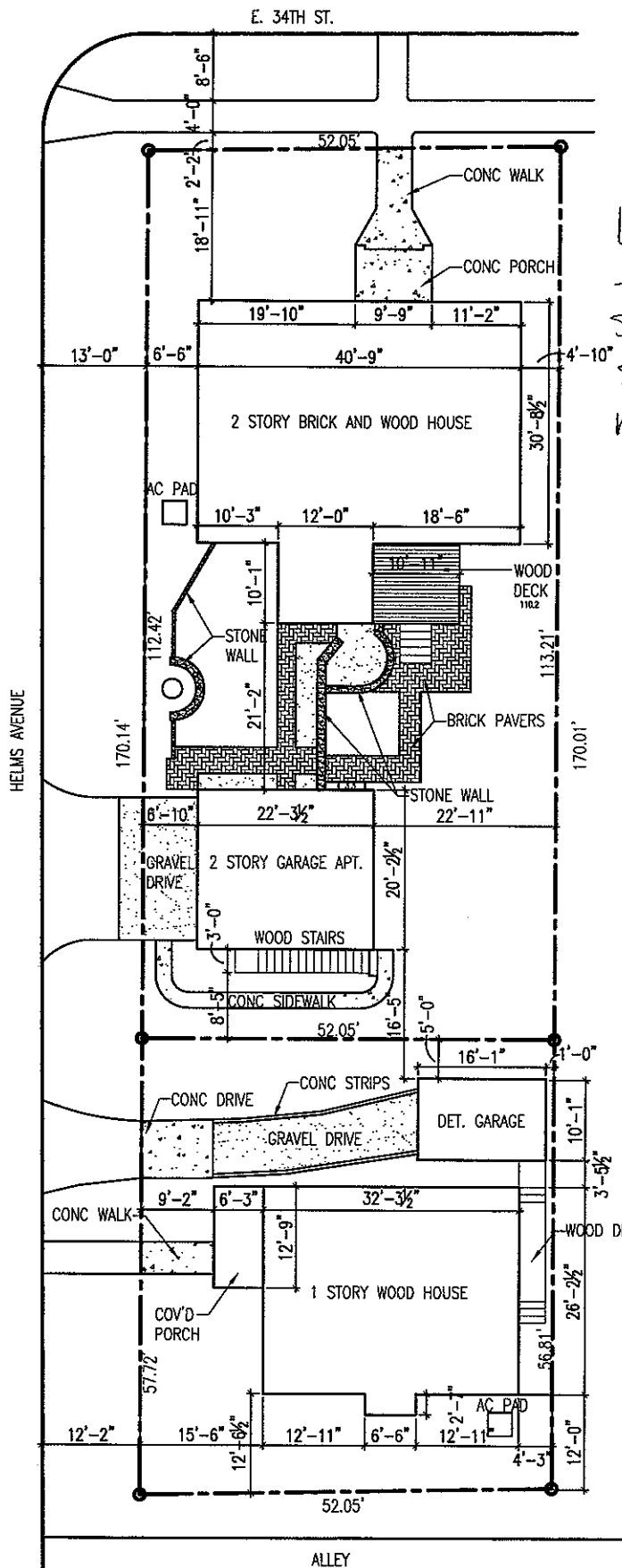
1160 W. 33rd ALLEY

LEGAL DESCRIPTION	Lot 1, Block 19, GROSS ADDITION, according to the resubdivision, a subdivision of Travis County, Texas, Volume 276, Page 235, Deed Records, Travis County, Texas.
ADDRESS	201 East 34th Street, Austin, TX 78704
PURCHASER	Susan Henricks and Kent C. Anschutz



American Surveying Company





Lot Size 7,000 → 5871.2
 front - 25' → 18' 11"
 side st - 15' → 6' 6"
 side yard - 5' → 4' 10"
 rear - 10' → 8' 5"

Lot Size
 5750 → 2980.5
 ft st - 25' → 9' 2"
 rear - 10' → 1'

